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Patent  
Case No.: 55085US002

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER-2800

First Named Inventor: MCCORMICK, FRED B.  
Application No.: 09/614993 Group Art Unit: 2879  
Filed: July 12, 2000 Examiner: Kevin J. Quarterman  
Title: ENCAPSULATED ORGANIC ELECTRONIC DEVICES AND  
METHOD FOR MAKING SAME

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, DC 20231

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

September 20 2002  
Date

*Melanie Gover*  
Signed by: Melanie Gover

Dear Sir:

This response is to the Office Action mailed August 27, 2002. Claims 1-42 have been restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-36 are said to be drawn to method for making an organic electronic device, classified in Class 445, subclass 24; and
- II. Claims 37-42 are said to be drawn to an article comprising an organic electronic device classified in Class 313, subclass 504.

Applicants hereby elect Group II (i.e., claims 37-42) with traverse, and respectfully request reconsideration and withdrawal or modification of the restriction requirement.

In Group II, Applicants broadly claim an article.

The Restriction Requirement (Paper No. 7) in Paragraph 2 states:

"Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the organic electronic device can be made by providing organic layers between an anode and a cathode; surrounding the organic layers with an adhesive

layer; and providing a sealing layer with a circumference equal to the circumference of the adhesive layer, instead of the methods of independent claims 1 and 18."

Applicants submit the Groups I and II claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Groups I and II claims in different classes and subclasses is not sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Respectfully submitted,

September  
Date

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2002

By:

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